REMARKS

Claims 1-26 were pending in this patent application prior to this amendment. Claims 1-10, 12-15, 22, and 26 have been amended. New claim 27 has been added. Thus, claims 1-27 remain in the subject application after this amendment.

Applicants acknowledge the examiner's indication that claims 17-21 and 23-25 are allowed.

Reconsideration of the rejection of claims 1, 2, 22, and 26 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,587,575 to Windham et al. ("Windham") is requested. It is believed that amended independent claims 1, 22, and 26, and dependent claim 2, are not anticipated by Windham for the reasons given below.

Regarding claim 1, Windham does not disclose or suggest "*passing* infrared electromagnetic radiation *though said food product* containing said organic substance." Further, Windham does not disclose or suggest "detecting the intensity of infrared electromagnetic radiation *passing through said food product* containing said organic substance in ranges of wavelengths corresponding to each of a subset of said *(n) infrared absorption bands* to provide electrical signals corresponding thereto." *(Italics provided.)* Instead, as shown, for example, in Figs. 1C and 1D, Windham illuminates a food product with a source of electromagnetic radiation and detects electromagnetic radiation *reflected* by the food product, not *"passing through"* the food product," to obtain spectral images of the food product. Thus, contrary to the examiner's assertions, Windham does not teach "passing" infrared electromagnetic radiation "though the food product," does not teach detecting the intensity of infrared electromagnetic radiation "passing through the food product," and does not teach detecting the intensity of infrared electromagnetic radiation in ranges of wavelengths corresponding to each of a subset of said (n) "infrared absorption bands."

Regarding claim 22, Windham does not disclose or suggest "*passing* infrared electromagnetic radiation *though said food product* containing said organic

substance." Further, Windham does not disclose or suggest "passing infrared electromagnetic radiation *passing through said food product* containing said organic substance *through a filter* so that only electromagnetic radiation in ranges of wavelengths corresponding to a subset of said *(n) infrared absorption bands* is allowed to pass to a detector." Moreover, Windham does not disclose or suggest "detecting the intensity of infrared electromagnetic radiation *passing through said filter* to provide electrical signals corresponding thereto." *(Italics provided.)*

Regarding claim 26, Windham does not disclose or suggest "a detector operable to detect the intensity of infrared electromagnetic radiation *passing through said food product* containing said organic substance in a range of wavelengths corresponding to one of *said infrared absorption bands* to provide electrical signals corresponding thereto." *(Italics provided.)* Accordingly, applicants respectfully submit that amended independent claims 1, 22, and 26, and dependent claim 2, are not anticipated by Windham, and hence withdrawal of the 35 U.S.C. 102(b) rejection thereof is respectfully requested.

Claims 3-6 depend from claim 1, and therefore patentably distinguish over Windham for the reasons given above in support of claim 1. Further, Passaloglou-Emmanouillidou is neither proffered for, nor does it overcome, the above-mentioned deficiencies of Windham. Therefore, applicants submit that claims 3-6 patentably distinguish over Windham in view of Passaloglou-Emmanouillidou , and hence withdrawal of the 35 U.S.C. 103(a) rejection thereof is respectfully requested.

Reconsideration of the rejection of claims 7, 8, and 12 as being unpatentable under 35 U.S.C. 103(a) over Windham in view of U.S. Pat. No. 5,239,180 to Clarke ("Clarke") is requested. It is believed that claims 7, 8, and 12 patentably distinguish over Windham and Clarke for the reasons given below.

Regarding claim 7, neither Windham, nor Clarke, disclose or suggest "*passing* infrared electromagnetic radiation *though said food product"* containing said vegetable seed oil. Further, neither Windham, nor Clarke, disclose or suggest "detecting the intensity of infrared electromagnetic radiation *passing through said food product* containing said vegetable seed oil in ranges of wavelengths corresponding to each of a

subset of said *(n) infrared absorption bands* to provide electrical signals corresponding thereto."

Regarding claim 12, neither Windham, nor Clarke, disclose or suggest "*passing* infrared electromagnetic radiation *though said food product*" containing said milk fat. Further, neither Windham, nor Clarke, disclose or suggest "detecting the intensity of infrared electromagnetic radiation *passing through said food product* containing said milk fat in ranges of wavelengths corresponding to each of a subset of said *(n) infrared absorption bands* to provide electrical signals corresponding thereto."

Accordingly, applicants respectfully submit that amended independent claims 7 and 12, and dependent claim 8, patentably distinguish over Windham and Clarke, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

Claims 9-11 depend from claim 7, and therefore patentably distinguish over Windham and Clarke for the reasons given above in support of claim 7. Further, Passaloglou-Emmanouillidou is neither proffered for, nor does it overcome, the above-mentioned deficiencies of Windham and Clarke. Therefore, applicants submit that claims 9-11 patentably distinguish over Windham and Clarke in view of Passaloglou-Emmanouillidou, and hence withdrawal of the 35 U.S.C. 103(a) rejection thereof is respectfully requested.

Claims 13-16 depend from claim 12, and therefore patentably distinguish over Windham and Clarke for the reasons given above in support of claim 7. Further, Lefier is neither proffered for, nor does it overcome, the above-mentioned deficiencies of Windham and Clarke. Therefore, applicants submit that claims 13-16 patentably distinguish over Windham and Clarke in view of Lefier, and hence withdrawal of the 35 U.S.C. 103(a) rejection thereof is respectfully requested.

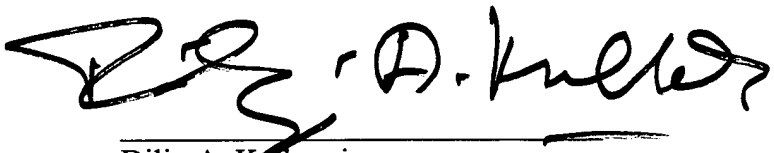
New claim 27 is believed to be allowable over the prior art because the prior art does not disclose or suggest "a detector operable to detect the intensity of infrared electromagnetic radiation influenced by said organic substance ...in a range of wavelengths corresponding to one of said reference wavelength bands to provide electrical signals corresponding thereto" in combination with "said organic substance

does not substantially absorb said infrared electromagnetic radiation in said ... reference wavelength bands."

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 3220-73090.

Respectfully submitted,
BARNES & THORNBURG



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